IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04. 2006

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

WRIT PETITION No.44644 of 2002
and
WPMP.No.64887 of 2002

1. C.Ramasamy
2. R.Thangamani ... Petitioners

Vs.

1. The Revenue Divisional Officer
   Gobichettypalayam,
   Erode District

2. The Revenue Tahsildar,
   Bhavani Taluk,
   Erode District .. Respondents

* * *

The Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus as stated therein.

* * *

For petitioner : Mr.K.R.Krishnan
For respondents : Mr.M.Mahalingam, G.A.

* * *

O R D E R

The Writ Petition has been filed praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent herein in his proceedings in OM.No.8508/02-A3, dated 15.11.2002, and quash the same and direct the second respondent to conduct a fresh enquiry for the grant of Community Certificate as Hindu Bundi which is recognised as a scheduled caste as per the Scheduled Caste and Scheduled Tribe orders (Amendment) Act 1976 vide serial No.9.

2. Heard the learned counsel for the petitioners as well as for the respondents.

3. The brief facts of the case are as follows :-

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The first petitioner is the husband of the second petitioner. Both the petitioners had applied for the grant of Community Certificate before the Revenue Tahsildar, Bhavani Taluk, Erode District, the second respondent herein on 19.10.2001. It is further stated by the petitioners that the second respondent without making any enquiry has rejected the petitioner's request for the grant of Community Certificate in his proceedings Na.Ka.No.16531/2001/A6, dated 16.05.2002. In his order, dated 16.05.2002, the second respondent has stated that the petitioners belonged to Boyer Community and did not belong to Bundi Community who are the Scheduled castes/tribes. The community Bundi has been classified as Woddar and both the communities Bundi and Woddar are one and the same. The petitioners had produced Community Certificate issued by the Tahsildar after making a thorough enquiry and after coming to the conclusion that the first petitioner belonged to Bundi community under the Scheduled castes and Scheduled Tribes order (amendment) act under clause 9.

4. The petitioners further state that since the State Government was issuing a permanent Community Certificate, the petitioners have made an application for the grant of a Community Certificate. The relatives of the petitioners who were residing in the same village as that of the petitioners have got their Community Certificates as belonging to Hindu Bundi community which is recognised as a Scheduled Castes and Schedule Tribe Orders (Amendment) Act, 1976 . Though the second respondent had granted Community Certificate to the relatives of the petitioners after making enquires, he had rejected the request of the petitioners without making any enquiry holding that they belonged to a most backward Boyer Community. Aggrieved by the order of the second respondent, dated 16.05.2002, the petitioners had preferred an appeal before the first respondent herein on 17.06.2002. Even though, the petitioner's had raised various points in their favour and had produced documents to prove that they belonged to Bundi community and do not belong to the Boyer community as stated by the respondents, the first respondent without considering the appeal on merits, had confirmed the order of the second respondent in his proceedings OM.8508/02-A3, dated 15.11.2002. Against the order, dated 15.11.2002, passed by the first respondent, the present writ petition has been filed.

5. During the course of the hearing of the case, it is pointed out by the learned counsel appearing for the respondents that a District Level Committee has been formed to enquire and to declare the status of the applicants as to which community they belong to. In such a situation, this court is of the view that it would suffice if the petitioners are permitted to go before the said committee to declare their community status. Therefore, the orders passed by the first respondent in his proceedings OM No.8508/02-A3, dated 15.11.2002, confirming the proceedings of the second respondent Na.ka.No.16531/2001/A6, dated 16.05.2002, is set aside and the

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petitioners are permitted to raise the issues regarding their community status before the District Level Committee formed by the State Government for the said purpose.

With the above observations, the writ petition is disposed of. Consequently, the connected WPMP is closed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

ssm

To
1. The Revenue Divisional Officer
Gobichettypalayam,
Erode District.

2. The Revenue Tahsildar,
Bhavani Taluk,
Erode District .

+1cc to Mr.K.R.Krishnan,Advocate Sr 20087

+1cc to Govt. Pleader Sr 16348

MAB (CO)
km/21.4.

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